

Senate Bill No. 949

CHAPTER 369

An act to add and repeal Article 23.5 (commencing with Section 8490) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, relating to after school programs.

[Approved by Governor September 16, 2014. Filed with
Secretary of State September 16, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

SB 949, Jackson. After school programs: Distinguished After School Health Recognition Program.

Existing law, the Child Care and Development Services Act, provides, among other things, a comprehensive, coordinated, and cost-effective system of child care and development services for children from infancy to 13 years of age and their parents, including a full range of supervision, health, and support services through full- and part-time programs. Existing law also provides for the licensure and regulation of various types of child care facilities, including day care centers, by the State Department of Social Services.

This bill, until January 1, 2018, would establish the Distinguished After School Health (DASH) Recognition Program, to be administered by the State Department of Education. The bill would require the department to develop a process, administered on the department's Internet Web site, whereby an after school program, as defined, may be recognized as meeting prescribed requirements, including training staff on healthy eating and physical activity, providing healthy food and drinks to program attendees, and providing program attendees with physical activity and limited screen time, as defined. The bill would require the department to include in the process on the Internet Web site an option to create a certificate, using a template designed by the department, that includes specified information, including a document, signed by the after school program director, demonstrating the manner in which the after school program meets the above requirements. The bill would provide that the certificate would be valid for one year and would require the department to post a list of after school programs that have qualified on its Internet Web site. The bill would provide that funding for the DASH Recognition Program is subject to an appropriation being made for these purposes in the annual Budget Act or another statute, or the receipt of funding from nonstate sources.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known, and may be cited, as the Distinguished After School Health Recognition Program.

SEC. 2. The Legislature finds and declares all of the following:

(a) Childhood obesity poses a serious threat to the children of our state and to their future.

(b) According to the American Heart Association, 23.9 million children in America who are 2 to 19 years of age, inclusive, are overweight or obese and, of these children, more than one-half, 12.7 million, are obese.

(c) In California one out of three children is obese or overweight.

(d) The medical and workforce consequences of childhood obesity also threaten the fiscal viability of our health care system and our economy if not addressed. California costs attributable to physical inactivity, obesity, and overweight in 2011 were estimated at \$52.7 billion.

(e) The after school provider community has the reach and opportunity to provide a healthy after school experience to over 1,500,000 children in the out-of-school time period. These numbers include 4,400 publicly funded after school programs in California, including After School Education and Safety Program (ASES) and 21st Century Community Learning Centers (CCLC) programs that serve over 450,000 low-income pupils (K-12th grade) statewide, public and nonprofit after school programs, and 600,000 schoolage children in licensed childcare settings.

SEC. 3. Article 23.5 (commencing with Section 8490) is added to Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, to read:

Article 23.5. Distinguished After School Health Recognition Program

8490. The Distinguished After School Health Recognition Program is hereby established, to be administered by the department.

8490.1. For purposes of this article, the following definitions shall apply:

(a) "After school program" means After School Education and Safety Program (ASES), 21st Century High School After School Safety and Enrichment for Teens (High School ASSETs) program, and other qualified out-of-school time programs that serve schoolage children outside of regular school hours, including before school and on weekends.

(b) "DASH recognition program" means the Distinguished After School Health Recognition Program enacted pursuant to this article.

(c) "Program attendee" means a person enrolled in an after school program.

(d) "Screen time" means time spent viewing or working on television, videos, computers, and hand-held devices, with or without Internet access.

8490.2. The department shall develop a process, to be administered on its Internet Web site, for an after school program to be recognized as an after school program that meets the requirements of this article and shall

include all resources and links that an after school program may use to meet the requirements of this article.

8490.3. The process required by Section 8490.2 shall provide an after school program with the option to create a certificate, using a template designed by the department, that includes a document, signed by the after school program director, demonstrating the manner in which the after school program meets each of the following:

(a) Each staff member of the after school program has received training on the standards of this article and the importance of modeling healthy eating and physical activity. Training shall be in accordance with the YMCA of the USA, the Center for Collaborative Solutions, A World Fit For Kids!, the National Institute on Out-of-School Time, or other similar programs.

(b) The after school program provides regular and ongoing nutrition education to each program attendee to help the program attendee develop and practice healthy habits.

(c) The after school program ensures that each program attendee participates, on a daily basis, in an average of 30 to 60 minutes of moderate to vigorous physical activity, consistent with Guidelines 7 and 8 of the department's California After School Physical Activity Guidelines, while the after school program is in session.

(d) Screen time is limited during the operational hours of the after school program and is only allowed in connection with homework or an activity that engages program attendees in a physical activity or educational experience, consistent with the California After School Physical Activity Guidelines.

(e) Healthy foods, including, but not limited to, fruits or vegetables, without added sugar, are served to program attendees as snacks on a daily basis. Fried foods, candy, or foods that are primarily sugar-based, high in sodium, or include trans fat are not served to program attendees or consumed by staff during the after school program's hours of operation. Snacks or meals provided pursuant to the After School Education and Safety Program (ASES), the 21st Century High School After School Safety and Enrichment for Teens (High School ASSETs) program, and the Child and Adult Care Food Program (CACFP) meal guidelines are deemed to meet this standard.

(f) Program attendees are served water, low-fat or nonfat milk, nonfat flavored milk, or 100 percent fruit juice. A preference shall be given for water. Safe and clean drinking water is available and accessible at all times to program attendees and staff. Milk and fruit juices are not served in quantities exceeding eight ounces per day. Sugar-sweetened beverages are not served to program attendees and staff of the after school program do not consume sugar-sweetened beverages at the after school program site.

(g) If the after school program is conducting a fundraiser during after school program hours, all of the following shall apply:

(1) Items sold shall be in compliance with the requirements specified in subdivisions (e) and (f).

(2) Sales shall be in compliance with the USDA Competitive Food Sales regulations.

(3) Sales shall not be scheduled during snack or meal service.

(h) If the after school program is located on a schoolsite, the after school program communicates with the school regarding nutrition education and physical activity, as appropriate, to provide the program attendees with a complete educational experience. All activities shall also adhere to the school district's wellness policy.

(i) The after school program has implemented an educational program for parents of program attendees that provides the parents with nutrition and physical activity information relevant to the after school program and the health of their children.

(j) Information about the implementation of the requirements listed in subdivisions (a) to (i), inclusive, is available for review by a parent at both the physical location of the after school program and on the after school program's Internet Web site, if there is one. The after school program also maintains in its records a document signed by all parents acknowledging that they are aware of the DASH recognition program requirements and policies to institute and reinforce these specific healthy behaviors for all children served in the after school program.

8490.4. A certificate issued under this article shall be valid for one calendar year. An after school program that wishes to create a new certificate for the subsequent year shall, by January 1 of that year, verify with the department, pursuant to Section 8490.2, that the after school program continues to follow the DASH recognition program criteria pursuant to Section 8490.3.

8490.5. The department shall maintain and update a list of after school programs that qualify under the provisions of this article and shall post that list on its Internet Web site, including the date of qualification for each after school program.

8490.6. Funding for the recognition program established pursuant to this article is subject to an appropriation being made for purposes of this article in the annual Budget Act or another statute, or the receipt of funding from nonstate sources.

8490.7. This article shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.